

Statewide Assessment
Home and Community Based Settings
Regulations for the Department of Health Care Finance
Individuals who are Elderly and Persons with Physical Disabilities (EPD) HCBS Waiver

Question	Issue	Oppose/Silent/Positive	# of sites	Remedial Strategy	Lead Agency	Ongoing Monitoring
(a) The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
b. The setting optimizes individual initiative, autonomy, and independence in making life choices	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application

						review process as well as the re-enrollment process. (every three years).
c. The setting facilitates individual choice regarding services and supports, and who provides them		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
d.(i) The setting provides opportunities to seek employment and work in competitive integrated settings		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment

						process. (every three years).
d. (ii) engage in community life		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
d. (iii) The setting provides opportunities to control personal resources.		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
e. The setting is integrated		Non-Applicable	Positive	All	DHCF updated its regulations governing the	DHCF DHCF's

and supports access to the greater community				EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.		LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
f. The setting provides opportunities to engage in community life	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
g. the setting provides opportunities to control personal resources	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or	DHCF	DHCF's LTCA and DHCF's Division of Public and

				residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.		Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
h. The setting provides opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
i. The setting is selected by the individual from among other options including non-disability specific settings and a private unit in a residential setting	Non-Applicable	Positive with need for further specificity in sub-regulatory guidance	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify

				<p>4200.6 (a) be “chosen by the beneficiary receiving EPD Waiver services.” (d) “support the beneficiary’s community integration and inclusion, including relationship building and maintenance, support for self-determination and self-advocacy.”</p> <p>Sub-regulatory guidance will stipulate that the individual will have a choice of non-disability specific setting options, whenever available.</p>		<p>provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).</p>
j. If provider-owned or controlled, the setting provides a specific unit/dwelling that is owned, rented, or occupied under a legally enforceable agreement.	Non-Applicable	Positive, but with limitations	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	<p>DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).</p>
k. If provider-owned or controlled, the setting provides the same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	<p>DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider</p>

						application review process as well as the re-enrollment process. (every three years).
l. if the setting is provider-owned or controlled and the tenant laws do not apply, the state ensures that the lease, residency agreement or other written agreement is in place providing protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
m. If provider-owned or controlled, the setting provides that each individual has privacy in their sleeping or living unit.		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-

						enrollment process. (every three years).
n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.		Non-Applicable	Positive with need for further specificity in sub-regulatory guidance	All	<p>DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS’ settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.</p> <p>EPD Waiver Regulation: 4200.6- (d) “relationship-building” “self-determination” & (g) “independence in making life choices” “personal interactions.”</p> <p>Sub-regulatory guidance will stipulate that the setting must provide individuals who are sharing units a choice of roommates.</p>	DHCF DHCF’s LTCA and DHCF’s Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).

p. If provider-owned or controlled, the setting provides individuals with the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
q. (i) If provider-owned or controlled, the setting provides individuals with the freedom and support to control their schedules and activities	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF	DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
(ii) If provider-owned or controlled, the setting provides individuals with the freedom and support to	Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements,	DHCF	DHCF's LTCA and DHCF's Division of

access to food at any time				and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.		Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will verify provider readiness during initial provider application review process as well as the re-enrollment process. (every three years).
s. If provider-owned or controlled, the setting is physically accessible to the individual.		Non-Applicable	Positive	All	DHCF updated its regulations governing the EPD Waiver. The EPD regulation lists the 19 unique categories that CMS uses to measure compliance with CMS' settings requirements, and mandates that all day settings and/or residential settings shall meet these requirements. The EPD regulations were published in the DC Register November 2016.	DHCF DHCF's LTCA and DHCF's Division of Public and Private Provider Services will

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